

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

| | | |
|-------------------------------|---|-----------------------------|
| THEODORE SCOTT | : | |
| Plaintiff | : | |
| v | : | Civil Action No. JFM-07-175 |
| COMMISSIONER, SOCIAL SECURITY | : | |
| Defendant | : | |

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MEMORANDUM

The above-captioned case, filed January 11, 2007, alleges that plaintiff's attorneys committed malpractice in his social security disability benefits case. Paper No. 1. For the purpose of preliminary review, plaintiff is granted in forma pauperis status.

Plaintiff's action alleges legal malpractice. The fact that the case in which plaintiff's attorney is alleged to have committed malpractice was one involving a federal question, i.e., entitlement to social security benefits, does not make this a federal claim.

In limited circumstances, a state law claim may be filed in the appropriate federal district court. This court has jurisdiction over state law claims where there is diversity of citizenship between the parties and the amount in controversy exceeds \$75,000. *See* 28 U.S.C. §1332. Plaintiff lives in Maryland.

Plaintiff's attorney works with Jenkins and Block, a law firm located in Baltimore, Maryland. *Id.* Accordingly, because there is no federal question presented by the complaint and the parties are citizens of the same state, the complaint must be dismissed for lack of jurisdiction. Plaintiff may re-file his claim in the appropriate state court.

A separate order follows.

February 9, 2007
Date

/s/
J. Frederick Motz
United States District Judge

